

REGULAR MEETING
September 13, 1999

The Regular Meeting of the Annapolis City Council was held on September 13, 1999 in the Council Chamber. Francis Scott Key, Jr. rang the bell to denote the 7:30 p.m. start time for the meeting. Mayor Johnson called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: Central Services Director Harrison, City Attorney Goetzke, Human Resources Director Milburn, Transportation Director Matland, Transportation Director Callahan

Alderman Gilmer moved to approve the Minutes of July 12, 1999 and open the Closed Minutes to the public. Seconded. CARRIED on voice vote.

Mayor Johnson made the following presentation:

Phil Bissett Lawsuit Abuse Awareness Week

Mayor Johnson and Human Resources Director Milburn presented the following employee recognition awards:

James E. Butler, Public Works Department . . Longest Serving Employee Award
James Marshall, Recreation and Parks Department 25 Years of Service
John Downs, Public Works Department 25 Years of Service
William Kane, Public Works Department 25 Years of Service

Mayor Johnson and Human Resources Director Milburn acknowledged the retirement of the following employees:

Richard Callahan, Recreation and Parks Department 33 Years of Service
John B. Dorsey, Jr., Public Works Department. 31 Years of Service
Clark Trott, Police Department 30 Years of Service
Joan DeCenzo, Parking and Transportation Department . . 23 Years of Service
Joann Urciolo, Recreation and Parks Department 15 Years of Service

Mayor Johnson and Transportation Director Matland presented the following:

Jerry Lincoln Drive of the Year
Million in the Millennium Campaign Artist Peter Tasi
Stoneyfield Farm Yogurt Distinguished Business Award
Try Transit Week Proclamation

PETITIONS, REPORTS AND COMMUNICATIONS

- 1. Arthur Kungle, Jr.
8 Gentry Court
Annapolis, MD 21403

Spoke regarding the history of the City.
- 2. Louise Beauregard Meyers
2 Maryland Avenue
Annapolis, MD 21401

Spoke regarding recycling.

3. Robert Eades
144 O'Bery court
Annapolis, MD 21401

Spoke regarding Ordinance O-19-99.

4. Louis W. Alton, Jr.
701 Glenwood Street
Annapolis, MD 21401

Spoke regarding Ordinance O-19-99.

5. Brother Presta Hallan
1813 Bowman Drive
Annapolis, MD 21401

Spoke regarding Ordinance O-19-99.

6. Leonard Chew
902 E Royal Street
Annapolis, MD 21401

Spoke regarding Ordinance O-19-99.

7. Cliff Myers
8 Acton Place
Annapolis, MD 21401

Spoke regarding Ordinance O-19-99.

8. Harold Lloyd, Jr.
72 Southgate Avenue
Annapolis, MD 21401

Spoke regarding Ordinance O-19-99.

9. Jan Hardesty
15 Burnham Wood Court
Annapolis, MD 21403

Spoke regarding Green Scape 2000.

10. William Clayton Stansbury
8379 Flintlock Court
Severn, MD 21144

Spoke regarding Ordinance O-19-99.

11. Amaro
1908 D Copeland Street
Annapolis, MD 21401

Spoke regarding Ordinance O-19-99.

12. Ralph Blakeney
1709 Hunt Meadow Drive
Annapolis, MD 21403

Spoke regarding Ordinance O-19-99.

13. Gerald G. Stansbury
2136 Mulberry Hill
Annapolis, MD 21401

Spoke regarding Ordinance O-19-99.

LEGISLATIVE ACTION

ORDINANCES

- O-17-98 For the purpose of establishing that special exception authorizations may be extended by the Board of Appeals for up to two successive extensions for periods of not longer than six months each; and all matters relating to said special exception extensions.**

Alderman Sachs moved to adopt O-17-98 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-17-98.

Alderman Hammond moved to amend O-17-98 as follows:

Amendment No. 1:

On Page 1, strike lines 35 through 42 in their entirety and substitute the following:

“A special exception which has not been established within one year after being granted shall expire. Nevertheless, the board of appeals, in its sole discretion upon a showing of good cause, may grant extensions of the special exception provided the applicant shall have filed a written application for an extension prior to the expiration of the special exception. In extending the expiration of a special exception, the board of appeals shall find the applicant is in compliance with the standards for granting special exceptions then in effect. The cumulative period of extension shall not exceed two years from the date of the granting of the special exception.”

Amendment No. 2:

On Page 1, immediately following the Planning Commission amendment dated 1/21/99:

“Notwithstanding the provisions of Chapter 17.12, if work pursuant to a building permit issued for a special exception is suspended or is abandoned for a period of six months, no new building permit shall be issued unless new special exception approvals are obtained.”

Seconded.

Alderman Moyer moved to amend Amendment No. 1 by deleting “The cumulative period of extension shall not exceed two years from the date of the granting of the special exception.” Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Gilmer, Carter, Fox, Moyer

NAYS: Mayor Johnson, Aldermen Hammond, Tolliver, Sachs, McMillan

DEFEATED: 5 - 4

A Roll Call vote on the Rules and City Government Committee amendments was taken:

YEAS:	Mayor Johnson, Aldermen Hammond, Tolliver, McMillan
NAYS:	Aldermen Sachs, Carter, Fox, Moyer
ABSTAIN:	Alderman Gilmer
DEFEATED:	4 - 4

A ROLL CALL vote was taken on the main motion:

YEAS:	Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Fox
NAYS:	Alderman Moyer
ABSTAIN:	Alderman Carter
CARRIED:	7 - 1 - 1

Alderman Hammond moved to adopt O-17-98 on third reading. Seconded. CARRIED on voice vote.

O-1-99 For the purpose of clarifying and establishing certain violations of Title 11, Public Peace, Morals and Welfare, including those relating to disturbing the peace; repealing certain sections of Title 11 which are outdated or for which there are state laws governing the issues addressed therein; clarifying that violations of Title 11 shall be deemed misdemeanors subject to a fine not to exceed \$1,000 and/or imprisonment not to exceed 90 days; and all matters relating to said public peace, morals and welfare.

Alderman Moyer moved to substitute O-1-99 Revised for O-1-99. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt O-1-99 Revised on second reading. Seconded.

The Public Safety Committee reported favorably on O-1-99 Revised.

The main motion CARRIED on voice vote.

Alderman Sachs moved to adopt O-1-99 Revised on third reading. Seconded. CARRIED on voice vote.

O-9-99 For the purpose of updating certain provisions of the City Code pertaining to the fire department; establishing that the volunteer fire companies shall obey and enforce the orders of the fire chief and rules and regulations of the department; repealing Section 2.32.110, Ambulance - Routine Transportation; and all matters relating to said fire department.

Alderman Sachs moved to adopt O-9-99 on second reading. Seconded.

The Rules and City Government Committee reported favorable with amendments on O-9-99.

Alderman Hammond moved to amend O-9-99 as follows:

Amendment No. 1:

On Page 2, amend lines 1 and 2 as follows:

A. ~~Regular companies:~~ The fire chief and other officers employees as are provided for by the city council.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Sachs moved to adopt O-9-99 Amended on third reading. Seconded. CARRIED on voice vote.

O-12-99 For the purpose of revising and updating the Fire Prevention Code of the City of Annapolis; deleting from the Fire Prevention Code requirements related to the removal of underground tanks (to be transferred to Chapter 17.22); requiring a sprinkler contractors license; providing that certain appeals shall be taken and certain penalties shall be assessed under the State of Maryland Fire Prevention Code rather than this Code; transferring certain authority from the Department of Public Works to the Department of Planning and Zoning; and all matters relating to the Fire Prevention Code.

There being no voiced objection, action on O-12-99 was postponed.

O-13-99 For the purpose of transferring the position of Harbor Master and its duties to the Department of Central Services; and all matters relating to said Harbor Master.

There being no voiced objection, action on O-13-99 was postponed.

O-15-99 For the purpose of revising the list of positions in the exempt service; deleting certain positions; establishing that the pay grades for exempt service positions shall be set in the operating budget; and all matters relating to said exempt service.

Alderman Sachs moved to adopt O-15-99 on second reading. Seconded.

The Finance Committee reported favorably on O-15-99.

The Rules and City Government Committee reported favorably with amendments on O-15-99.

Alderman Hammond moved to amend O-15-99 as follows:

Amendment No. 1:

FYI: The intent of this amendment is to keep the grade schedule for exempt service positions in the Code.

On Page 1, line 16, remove the language beginning with "establishing" through and including the semicolon on line 17; on that same page, line 24, remove the reference to Section 3.08.030A.; and on Page 2, lines 21 through 45, remove Section 3.08.030 from O-15-99. (NOTE: Section 3.08.030 is removed from O-15-99 and shall remain in the Code.)

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Hammond moved to adopt O-15-99 as amended on third reading. Seconded. CARRIED on voice vote.

- O-16-99 For the purpose of establishing that certain fees and charges shall be set by resolution of the City Council; deleting certain out-dated provisions that apply to fees that are no longer charged; deleting references in the City Code to certain fees that will be included in a fee schedule resolution; establishing certain new fees and charges; and all matters relating to said fees and charges.**

There being no voiced objection, action on O-16-99 was postponed.

- O-17-99 For the purpose of revising and transferring certain duties of the Public Works Department and the Planning and Zoning Department; correcting references to duties of the City Clerk which are currently handled by other directors; revising duties of the Central Services Officer; and all matters relating to said departments.**

There being no voiced objection, action on O-17-99 was postponed.

- O-19-99 For the purpose of enacting a new Section 11.12.067, prohibiting loitering for drug-related activity; and all matters relating to said loitering prohibitions.**

There being no voiced objection, action on O-19-99 was postponed.

- O-20-99 For purpose of authorizing the lease of certain municipal property located at the City Dock to Chesapeake Bay Foundation, Inc. for the purpose of docking and mooring the vessel known as "Stanley Norman"; and all matters relating to said lease.**

There being no voiced objection, action on O-20-99 was postponed.

- O-21-99 For the purpose of establishing certain requirements pertaining to petroleum storage facilities; establishing that fees related to such facilities shall be set by resolution; establishing enforcement and appeals procedures related to such facilities; transferring certain authority to the Department of Planning and Zoning; and all matters relating to said petroleum storage facilities.**

There being no voiced objection, action on O-21-99 was postponed.

- O-22-99 For the purpose of authorizing the lease of certain municipal property located at the City Dock to Berkshire Castaways, Inc. for the purpose of docking and mooring the vessel known as "Half Shell"; and all matters relating to said lease.**

There being no voiced objection, action on O-22-99 was postponed.

- O-24-99 For the purpose of revising the water and sewer rates for the City of Annapolis; and all matters relating to said water and sewer rates.**

There being no voiced objection, action on O-24-99 was postponed.

- O-26-99 For the purpose of eliminating fingerprinting for applicants of a new or transfer of an existing alcoholic beverage license; and all matters relating to said fingerprinting requirement.**

There being no voiced objection, action on O-26-99 was postponed.

- O-27-99 For the purpose of establishing that exempt service positions shall accumulate annual leave in the same manner as civil service positions; making a technical correction to the section referenced in Sec. 3.08.040; and all matters relating to said leave.**

There being no voiced objection, action on O-27-99 was postponed.

- O-34-99 For the purpose of removing the City Attorney from the Self Insurance Fund Committee; and all matters relating to said Self Insurance Fund Committee.**

Alderman Sachs moved to adopt O-34-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-35-99 For the purpose of changing the provision for waiver of three readings of a bill to require a second reading and allow the third reading to be waived; requiring resolutions to be read two times with certain exceptions; and all matters relating to said rules of procedure.**

Alderman Tolliver moved to adopt O-35-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-37-99 For the purpose of establishing a definition of "Institution for the Care of the Aged" consistent with the long-standing interpretation and application by the City of the zoning regulations regarding such institutions; and all matters relating to said definition.**

Alderman Hammond moved to adopt O-37-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

- O-39-99 For the purpose of clarifying the capital facility impact charge for properties involving annexation in the City; and matters generally relating to said clarification.**

Alderman Hammond moved to adopt O-39-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee.

- O-41-99 For the purpose of clarifying that the Annapolis Planning Commission's review of text amendments to Title 21 of the City Code shall be limited to those amendments changing the zoning classification of any property; and matters generally relating to said text amendments.**

Alderman Sachs moved to adopt O-41-99 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and Rules and City Government Committee.

RESOLUTIONS

R-11-99 For the purpose of authorizing the Finance Director or a designee to invest certain funds of the City through Paine Webber, Incorporated; to authorize the investment of certain City funds in certain types of securities; and all matters relating to said funds.

Alderman Sachs moved to adopt R-11-99. Seconded.

The Finance Committee reported favorably with amendments.

Alderman Sachs moved to amend R-11-99 as follows:

Amendment No. 1:

On Page 1, line 18 strike “; and” and add a period; and

On that same page, strike lines 20 and 21 in their entirety; and

On that same page, amend lines 23 through 27 as follows:

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that ~~M. Kathleen Sulick, the~~ Finance Director, or his/her designee, ~~are~~ is hereby authorized at any time and from time to time and with respect to the investment of all public funds in any account of this municipal corporation of which they have custody or control to purchase and sell all securities consistent with the City’s adopted Investment Policy.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

R-12-99 For the purpose of authorizing the Finance Director or a designee to invest certain funds of the City through Legg Mason Wood Walker, Inc.; to authorize the investment of certain City funds in certain types of securities; and all matters relating to said funds.

Alderman Sachs moved to adopt R-12-99. Seconded.

The Finance Committee reported favorably with amendments.

Alderman Sachs moved to amend R-12-99 as follows:

Amendment No. 1:

On Page 1, line 18 strike “; and” and add a period; and

On that same page, strike lines 20 and 21 in their entirety; and

On that same page, amend lines 23 through 27 as follows:

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that ~~M. Kathleen Sulick, the~~ Finance Director, or his/her designee, ~~are~~ is hereby authorized at any time and from time to time and with respect to the investment of all public funds in any account of this municipal corporation of which they have custody or control to purchase and sell all securities consistent with the City’s adopted Investment Policy.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

R-14-99 For the purpose of approving the job description for the civil service position of Plan Reviewer in the Department of Public Works, Bureau of Inspections and Permits; establishing the pay grade for said job description; and all matters relating to said job description and pay grade.

Alderman Sachs moved to adopt R-14-99. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Y2K Compliance Plan dated February 1, 1999.

Mayor Johnson announced that a public hearing will be held on the Y2K Compliance Plan on September 27, 1999.

2. Finance Committee Recommendations for Action dated August 19, 1999.

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated August 19, 1999. Seconded. CARRIED on voice vote.

3. Civil Service Board Recommendations for Action dated July 30, 1999.

Alderman Sachs moved to approve the Civil Service Board Recommendations for Action dated July 30, 1999. Seconded. CARRIED on voice vote.

4. Payment of Monthly Bills

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

5. Appointments

Alderman Sachs moved to approve the Mayor's appointments of the following individuals as set forth in Memoranda dated August 19, 1999, August 20, 1999 and September 7, 1999:

Julia Enid Gideon	Human Relations Commission
Maria D. Sasso Taylor	Human Relations Commission
Debbie H. Gosselin	Maritime Advisory Board
Hamilton Fisk Tyler	Public Safety Disability Retirement Board

Pursuant to the Annotated Code of Maryland, Article 44, Section 10-102(b), Mayor Johnson appointed **Anita Tyler** to the Annapolis Housing Authority.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10.25 p.m.

Patricia L. Bembe, CMC/AAE
City Clerk